

REMARKS

Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks. Applicant also appreciates the examiner's remarks noting that claim 14 is allowable and that claims 2-13 would be allowable if rewritten in independent form including all limitations of the base claim in any intervening claims.

Claim 1 has rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith (U.S. Patent No. 6,587,557, hereinafter referred to as "Smith") in view of Kahn et al. (U.S. Patent No. 6,345,094, hereinafter referred to as "Kahn").

Submitted herein is a declaration of inventor Saima Khan under 37 CFR § 1.132 establishing that the present application and Smith were, at the time the present invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). Applicant submits that Smith is only prior art under 35 U.S.C. § 102(e).

Because Applicant filed a continuing application after November 29, 1999, Applicant respectfully submits that the new 35 U.S.C. § 103(c) applies to the present application. Since


In re: Saima Khan
Filed: September 17, 1999
Serial No.: 09/398,222
Page 3

Applicant has established common ownership between the present application and Smith, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. § 103(a) over the combination of Smith and Kahn has been overcome and should be withdrawn.

For the above reasons, Applicant respectfully submits that all pending claims are in condition for allowance. Early and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned, Applicant's Attorney of Record, to facilitate advancement of the present application.

Respectfully submitted,

Saima Khan

By 
Paul J. Kroon, Jr., Esq.
Registration No. 51,902
Attorney for Applicant

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: April 16, 2004